

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALI RAZAK, KENAN SABANI, AND
KHALDOUN CHERDOUD,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC. AND
GEGEN LLC,

Defendants.

Civil Action No. 2:16-CV-00573-MMB

Judge Michael M. Baylson

DEFENDANTS' PRETRIAL MEMORANDUM

Defendants Uber Technologies, Inc. and Gegen LLC (collectively, “Defendants”), by and through undersigned counsel, and pursuant to the Court’s Report of Final Pretrial Conference (ECF No. 153), hereby submits the following Pretrial Memorandum.

I. NATURE OF ACTION AND BASIS OF JURISDICTION.

Plaintiffs Ali Razak, Kenan Sabani, and Khaldoun Cherdoud (collectively “Plaintiffs”) assert claims against Defendants pursuant to the Fair Labor Standards Act (FLSA), Pennsylvania Minimum Wage Act (PMWA), and Pennsylvania Wage Payment and Collection Law (WPCL). Plaintiffs’ claims present a federal question, and as a result, this Court has jurisdiction.

II. COUNTER-STATEMENT OF FACTS.

Plaintiffs own and operate successful limousine companies, with fleets of up to 16 vehicles and more than a dozen drivers. Although they generate business in a variety of ways – including online advertising, bookings through 24-hour service numbers, and referrals from local hotels – they brought this action against Defendants alleging that they are Defendants’ employees under the FLSA, PMWA, and WPCL, because they use the Uber mobile smartphone application as one of several tools for connecting with riders.

A. Uber Is A Technology Company.

Uber is a technology company that invents, develops, markets, and licenses software that facilitates connections between users on its Mobility, Delivery, and Freight platforms. The core of Uber's business is its technology that facilitates multi-sided platforms. Uber has spent billions of dollars to develop, expand, and deploy its technology products, and it employs thousands of people in technology-centric roles, such as software engineers and data scientists.

B. Uber's Driver and Rider Apps Facilitate Connections Between Riders and Transportation Providers.

One of Uber's platforms provides matching services that enables individuals who want personal transportation services ("riders") to request transportation services from those engaged in the business of providing transportation services ("drivers"). Uber's Rider App offers riders an opportunity to request different transportation options that vary in type and cost. The option known as "UberBLACK" enables riders to connect with transportation providers who drive luxury vehicles. For a driver to have access to use the UberBLACK platform, the driver's car must meet certain luxury standards, the driver must have commercial auto insurance—separate from personal auto insurance—and the driver must have all permits required by their city to operate a commercial livery vehicle.

Uber's Mobility platform provides a variety of services to both riders and drivers, including matching services, pricing suggestions based on dynamic supply and demand, payment processing, safety measures, and a 360-degree star rating system for both riders and drivers, among other things. Both riders and drivers pay Uber to use its software—drivers pay a Service Fee, and riders pay a Booking Fee. To use the software, drivers log on to Uber's Driver App. After logging on, drivers can go "online" to receive trip requests when available, which the drivers are free to accept or decline.

Uber itself is not in the business of providing transportation services in Philadelphia. Uber does not employ individuals to provide transportation services in Philadelphia, and it does not contract with riders to guarantee them transportation services in Philadelphia. If no driver accepts a rider's trip request, it will go unfulfilled, as Uber cannot require any driver to accept a trip and does not employ any drivers.

C. Agreements Confirm The Independent Contractor Status Of Independent Transportation Companies And Drivers.

Independent transportation companies who desire to use Uber's Driver App to obtain requests to provide transportation services on UberBLACK must first enter into a services agreement with Uber that sets forth the relationship between them. Pursuant to the agreement, the independent transportation companies are Uber's customers who contract with Uber (in its capacity as a technology services provider) for the opportunity to use Uber's technology.

The services agreement makes clear that the independent transportation companies and the drivers that contract with them: (a) are not controlled or directed by Uber (generally or in the provision of transportation services); (b) retain the sole right to determine when, where, and for how long they will use Uber's Driver App; (c) retain the option to accept or ignore a rider's request for transportation services at their discretion, or even to cancel an accepted request; and (d) have the complete freedom to operate their independent businesses at their own discretion, including to provide transportation services at any time to any third party separate and apart from Uber's Driver App (including the right to provide transportation services to private customers and to use other software applications to obtain trip requests). Finally, the agreements confirm that the relationship between the parties is that of "independent contracting parties" and that Uber is not the employer of the independent transportation companies or their drivers.

Once a transportation company has entered into an agreement with Uber, drivers engaged by that transportation company may use Uber's Driver App after they agree to the terms of a "driver addendum" to the services agreement. The driver addendum confirms, among other things, that Uber does not direct or control the driver in the provision of transportation services, including when, where, or for how long the driver will utilize Uber's Driver App.

D. Uber Does Not Control Independent Transportation Companies Or Drivers.

Drivers using Uber's Driver App control the manner in which they provide services to riders. Drivers control and determine when they provide rides, where they provide rides, how long they will use Uber's Driver App, when they stop using Uber's Driver App, and how long they will take between sessions using Uber's Driver App. Uber does not schedule start or stop times for drivers, or require them to be online on Uber's Driver App at any particular time or for any specific number of hours. Drivers choose when to go online based on their own interests and motivations, and each driver "schedules himself."

In addition to choosing when to go online, "drivers independently decide where to go" while online. Uber does not place any restrictions on drivers' ability to engage in personal activities while online, and Plaintiffs have, in fact, engaged in a range of personal activities while online. For example, while online, Plaintiffs slept, ran personal errands, conducted business for their independent transportation companies (including sending e-mails promoting their companies, accepting rides from private clients, and dispatching private trips to other drivers), smoked cigarettes, took personal phone calls, and rejected trip requests because they were tired.

In addition, drivers "are permitted to work for competing companies" while also using Uber's Driver App. Uber does not prohibit drivers from using other applications in addition to Uber's Driver App or from providing transportation services to others outside Uber's Driver App.

Indeed, Plaintiffs regularly provided transportation services to riders outside Uber’s Driver App, including riders identified through a company known as Blacklane, as well as from advertising and private referrals. As noted above, Uber does not require drivers to accept trip requests, and drivers are free to reject trip requests for any reason (and to cancel trip requests after accepting them).

Further, Uber does not require the drivers to follow any specific script when interacting with passengers, require them to provide items like chargers or water to riders, require that they take any specific route, or require that they work any particular region or area of the city. In fact, drivers have no supervisor and do not report to anyone at Uber.

E. Plaintiffs Own And Operate Transportation Companies.

Luxe Limousine Services, Inc. (“Luxe”), Freemo Limo, LLC (“Freemo”), and Milano Limo, Inc. (“Milano”) are business entities owned and operated by the Plaintiffs. Specifically, Razak was co-owner of Luxe; Sabani owns Freemo; and Cherdoud owns Milano. Transportation providers who use Uber’s Driving App for matching services are free to operate their own businesses outside of the UberBLACK platform.

1. Razak’s Ownership And Operation Of Luxe Limousine Services, Inc.

Plaintiff Ali Razak and his brother own Luxe. Incorporated in 2012, Luxe is in the transportation business, and it has its own certificate from the Pennsylvania Public Utility Commission (PUC) to provide black car transportation services. Luxe’s PUC certificate contemplates that Luxe will provide hourly-rate services, as well as fixed-fee black car services for special events such as weddings and proms.

After determining that increasing the size of its fleet would be “good business,” Luxe expanded its fleet from two vehicles to six vehicles in 2015.

As business owners, Plaintiffs are permitted to hire sub-contractors or other “helpers” to earn income as transportation providers using their vehicles, and it is Plaintiffs’ businesses that are paid as a result, not the helpers. Luxe’s goal is to have one driver assigned to each of its vehicles. The number of drivers on Luxe’s active roster varied from week to week and has been as high as seventeen drivers at one time. From its inception through May 12, 2017, Luxe has had more than fifty drivers.

Luxe charged its drivers a weekly lease payment amount for the use of its vehicles and generates revenues from the weekly lease payments paid by drivers. In fact, these weekly lease payments are the primary source of revenue for Luxe.

Luxe’s business model contemplates that it will lease the vehicles in its fleet to other drivers at a weekly lease amount that will exceed Luxe’s expenses associated with maintaining the vehicles (*e.g.*, finance payments, insurance payments, repairs and maintenance, oil changes, etc.), and that this excess amount will represent Luxe’s profit from the operation of its business enterprise. By acquiring more vehicles, it was Luxe’s objective to generate more revenue by having more drivers pay more leases. In setting the lease amounts, Luxe took into account market conditions and seeks to cover expenses, attract drivers and make a profit.

In addition to owning and operating Luxe with his brother, Razak also leased a vehicle from Luxe. Of note, Razak did not sign up to use Uber’s Driver App to connect with riders using UberBLACK until July 8, 2014, two years *after* Luxe was incorporated.

Luxe’s drivers generate revenue by providing transportation services to riders identified from various lead generation sources, including—but not limited to—Uber’s Driver App. For example, Luxe gave its drivers the opportunity to provide transportation services through a company known as Blacklane. When Luxe received transportation requests from Blacklane, Razak

or his brother accepted the Blacklane request on behalf of Luxe and then assigned rides to another driver on Luxe's active roster. By dispatching Luxe drivers to handle Blacklane trips, Razak and his brother generated additional revenue for Luxe's business. Razak himself even provided transportation services through Blacklane. More frequently, however, Razak's job with respect to Blacklane trip requests submitted to Luxe was that of dispatcher—assigning transportation requests to other drivers on Luxe's roster. After the trip was completed, Blacklane would pay Luxe, and Luxe would pay the driver. When Luxe's drivers provided transportation services to riders they connected with using Blacklane or to private clients generated from Luxe's own advertising, the revenue from those trips did not benefit Uber in any way.

In order to promote its business and generate its own leads outside of Blacklane or Uber's Driver App, Luxe advertised and developed an internet presence, including a website, a Facebook account, and a Twitter account. According to the Luxe website:

Our limo service was established back in 2012 with a dream to become the best transportation option state-wide. We set out to achieve this by offering our clientele the most luxurious, reliable and safe rides around town.

Potential customers could submit a booking request using the Luxe website or by emailing Luxe directly. Luxe engaged an internet search engine optimization company to help Luxe improve its web presence and to help generate leads. Luxe maintained its website at its expense and incurred expenses associated with its internet presence and its advertising (*e.g.*, Yelp and Google).

When one of Luxe's drivers provides transportation services (whether using Uber's Driver App, Blacklane, or any other lead generation source), the revenue from those services is paid to Luxe. Luxe then pays its drivers (as independent contractors) from revenues generated from providing transportation services.

In addition to paying its drivers and payroll clerk, Luxe incurs expenses in operating its business and maintaining its fleet, including finance payments, insurance, oil changes and repairs, towing expenses, maintenance, car washes, and other professional fees. Luxe even incurred expenses sending Razak's brother to Buffalo, Orlando, Miami and Tampa in order to investigate opportunities for Luxe in expanding operations to those locations. In addition to Luxe incurring expenses, Razak also incurs expenses in pursuing his transportation business that he writes off on his personal taxes.

2. Sabani's Ownership And Operation Of Freemo Limo, LLC.

Plaintiff Kenan Sabani began performing transportation services in Philadelphia with another limousine company, Barry Limo, LLC. Sabani entered into a partnership agreement with Barry Limo that entitled him to 50% ownership of a 2012 Chevrolet Suburban. Barry Limo delegated to Sabani the responsibility for repair and maintenance costs on that vehicle. In addition, Sabani paid payments to Barry Limo towards the purchase of the Chevrolet Suburban, and he now owns the vehicle outright.

In August 2015, Sabani formed his own limousine company—Freemo—to offer transportation services to the public. Sabani is the sole owner of Freemo. In addition to owning and operating Freemo, Sabani signed up to use Uber's Driver App to connect with riders using UberBLACK. Over the years, Sabani has received dispatches for private trips (including some from Barry Limo and some from King Limousine) and has also provided transportation services to riders identified using UberBLACK.

When he formed Freemo, Sabani intended to form a company that would own vehicles and lease them out to other drivers, thereby becoming a businessman who would make money by collecting lease payments from drivers. Sabani's goal was to run an independent business and

eventually cease driving to focus on business management to live what he calls “the American dream.”

Sabani engaged up to four independent-contractor drivers (including himself and at times Plaintiff Khaldoun Cherdoud) to provide transportation services for Freemo. Sabani determines how much to pay Freemo’s drivers. Freemo’s drivers provide transportation services outside Uber’s Driver App. Freemo also corresponded with private customers about pricing for airport and local rides. Uber placed no restrictions on Sabani’s right to receive Freemo trip requests while simultaneously online on Uber’s Driver App, and Sabani personally provided over 100 trips through his company (outside Uber’s Driver App). In 2016, one of Freemo’s drivers provided transportation services exclusively for Freemo’s private trips, and did not provide any services for trip requests received through Uber’s Driver App. Freemo was paid in cash or using the Square payment processing tool for trips its drivers performed outside Uber’s Driver App.

Sabani created a website to advertise Freemo’s business and to generate private trip requests. Freemo’s website states that it is “a privately held, full service chauffeured transportation company.” According to the website, Freemo’s “fleet of vehicles [from “executive sedans to luxury SUV’s”] and experienced chauffeurs [who “are required to attend a defensive driving course” and “are monitored by GPS vehicle tracking”] can handle all of your transportation needs, whether you’re with a Fortune 500 company or a family looking for airport transportation.” Freemo’s website solicits customers to make reservations online, by email, or by calling a 24-hour service contact number. Freemo has also advertised on Yelp and has a Facebook profile to promote its business. In addition, Freemo has used “pay per click” on Google and distributed Freemo business cards at hotels. Sabani and Freemo have incurred business expenses associated with their

business activities, including vehicle maintenance (gas, tires, brakes, oil changes, car wash), advertising, tolls and parking, and office equipment.

3. Cherdoud's Ownership And Operation Of Milano Limo, Inc.

Milano is a "sole proprietorship" that is owned by Cherdoud that provides transportation services. In addition to owning and operating Milano, Cherdoud signed up to use Uber's Driver App to connect with riders using UberBLACK.

Cherdoud started providing black car services outside Uber's Driver App in 2016. At first, Cherdoud worked with Freemo (Sabani's company) to handle pre-arranged trips. Cherdoud invested to purchase a GMC Yukon XL that he used to complete trip requests, and he has paid that vehicle off in full. In addition, Cherdoud and Milano incurred unreimbursed business expenses in support of their business, including phone, tolls and PPA vehicle inspections.

Cherdoud found ways to promote his independent business, such as by parking near hotels and negotiating with the doormen to have them direct hotel guests to him (even doing this while online on Uber's Driver App). Cherdoud receives trip requests from the hotel doormen, and he uses a Square reader to charge the riders.

III. DAMAGES.

Defendants do not claim any damages.

IV. WITNESSES.

Defendants expect to call the following witnesses at trial:

Witness	Subject	Contact Information
Jordan Holtzman-Conston	The Uber Application; Defendants' agreements with Plaintiffs.	c/o Littler Mendelson, P.C., 1601 Cherry Street Suite 1400 Philadelphia, PA 19102 (267) 403-3000
Brad Rosenthal	Uber's business, including the Rides Marketplace and the records produced in discovery.	c/o Littler Mendelson, P.C., 1601 Cherry Street Suite 1400

		Philadelphia, PA 19102 (267) 403-3000
Rachel Perl	Defendants' operations in Philadelphia, Pennsylvania.	c/o Littler Mendelson, P.C., 1601 Cherry Street Suite 1400 Philadelphia, PA 19102 (267) 403-3000
Chad Dobbs	Uber's business, including the Rides Marketplace and Defendants' operations in Philadelphia, Pennsylvania.	c/o Littler Mendelson, P.C., 1601 Cherry Street Suite 1400 Philadelphia, PA 19102 (267) 403-3000
Plaintiff Ali Razak	Plaintiff Razak's claims; his interaction with and use of the Uber Application; his business enterprises; his relationship with limousine, taxicab, and ride-sharing companies; his use of transportation lead generation platforms; experiences providing transportation services; agreements with Defendants; affiliations with organizations related to his provision of transportation services.	c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462 Lichten & Liss-Riordan, P.C. 729 Boylston St. Suite 2000 Boston, MA 02116 (617) 994-5800 Sacks Weston Diamond LLC 1845 Walnut Street Suite 1600 Philadelphia, PA 19103 (215) 925-8200
Plaintiff Kenan Sabani	Plaintiff Sabani's claims; his interaction with and use of the Uber Application; his business enterprises; his relationship with limousine, taxicab, and ride-sharing companies; his use of transportation lead generation platforms; experiences providing transportation services; agreements with Defendants.	c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462 Lichten & Liss-Riordan, P.C. 729 Boylston St. Suite 2000 Boston, MA 02116 (617) 994-5800 Sacks Weston Diamond LLC 1845 Walnut Street Suite 1600 Philadelphia, PA 19103 (215) 925-8200

Plaintiff Khalidoun Cherdoud	Plaintiff Cherdoud's claims; his interaction with and use of the Uber Application; his business enterprises; his relationship with limousine, taxicab, and ride-sharing companies; his use of transportation lead generation platforms; experiences providing transportation services; agreements with Defendants.	<p>c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462</p> <p>Lichten & Liss-Riordan, P.C. 729 Boylston St. Suite 2000 Boston, MA 02116 (617) 994-5800</p> <p>Sacks Weston Diamond LLC 1845 Walnut Street Suite 1600 Philadelphia, PA 19103 (215) 925-8200</p>
Umer Razak	Plaintiff Razak's business enterprises; Plaintiff Razak's relationship with limousine, taxicab, and ride-sharing companies; Plaintiff Razak's use of transportation lead generation platforms; Plaintiff Razak's experiences providing transportation services.	<p>c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462</p> <p>Lichten & Liss-Riordan, P.C. 729 Boylston St. Suite 2000 Boston, MA 02116 (617) 994-5800</p> <p>Sacks Weston Diamond LLC 1845 Walnut Street Suite 1600 Philadelphia, PA 19103 (215) 925-8200</p>

Luxe Limousine Services, Inc., Corporate Representative & Custodian of Records	During the period of January 6, 2013, through January 11, 2018, Luxe Limousine Services, Inc.'s (Luxe) business records; Luxe's services and operations; independent contractors who have provided services to Luxe; Luxe's employees; the nature and scope of the work or services provided by or for the benefit of Luxe by Plaintiffs; communications made by or to any Plaintiffs in the course of their work or services for Luxe; Luxe's revenue and profit; Luxe's marketing and advertising efforts.	c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462
Freemo Limo, LLC, Corporate Representative & Custodian of Records	During the period of January 6, 2013, through January 11, 2018, Freemo Limo, LLC's (Freemo) business records; Freemo's services and operations; independent contractors who have provided services to Freemo; Freemo's employees; the nature and scope of the work or services provided by or for the benefit of Freemo by Plaintiffs; communications made by or to any Plaintiffs in the course of their work or services for Freemo; Freemo's revenue and profit; Freemo's marketing and advertising efforts.	c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462
Milano Limo, LLC, Corporate Representative & Custodian of Records	During the period of January 6, 2013, through January 11, 2018, Milano Limo, LLC's (Milano) business records; Milano's services and operations; independent contractors who have provided services to Milano; Milano's employees; the nature and scope of the work or services provided by or for the benefit of Milano by Plaintiffs; communications made by or to any Plaintiffs in the course of their work or services for Milano; Milano's revenue and profit; Milano's marketing and advertising efforts.	c/o Pietragallo Gordon Alfano Bosick & Raspanti, LLP 1818 Market Street, Suite 3402, Philadelphia, PA 19103 (215) 988-1462

V. SCHEDULE OF EXHIBITS.

NO.	EXHIBIT	BEG BATES NO.	END BATES NO.
D-1 ¹	UBER USA Technology Services Agreement (December 11, 2015)	UBER_RAZAK_00003740	UBER_RAZAK_00003762
D-2	Zendesk Communication with A. Razak re: Uber Philadelphia Airport Issues (April 2, 2016)	UBER_RAZAK_00008124	UBER_RAZAK_00008128
D-3	Email Exchange b/t A. Razak and Uber Partner Support re: Negative Feedback Notification (January 17, 2016)	RAZAK_UBER_PL0000177	RAZAK_UBER_PL0000179
D-5	Communication from Uber re: Airport and Train Station Pickups	UBER_RAZAK_00001608	UBER_RAZAK_00001616
D-6	Communication from Uber re: events in Philadelphia	UBER_RAZAK_00000116	UBER_RAZAK_00000118
D-7	A. Razak map of all rejected trip requests (7/16/2014-2/02/2017)	UBER_RAZAK_00010796	UBER_RAZAK_00010796
D-8	A. Razak map of rejected trip requests near home (7/16/2014-2/02/2017)	UBER_RAZAK_00010795	UBER_RAZAK_00010795
D-9	Taxicab and Limousine Regulations Overview	RAZAK_UBER_PL0001270	RAZAK_UBER_PL0001275
D-10	Philadelphia Parking Authority Limousine Driver Certification Handbook	RAZAK_UBER_PL0001238	RAZAK_UBER_PL0001259
D-11	Refugees are Welcome Here - Jan 29 Protest Refugee Deportations at PHL - pictures, email (includes RAZAK_UBER_PL0001448)		
D-14	Uber record of trip cancellations 03/22/17 and Candy Crush activity (includes RAZAK_UBER_PL0001417)		

¹ D-1 through D-129 are as marked on Plaintiffs' deposition exhibits.

D-15	PHL: Trip Charges Detail 2015-2017 for Freemo Limo	RAZAK_UBER_PL0000794	RAZAK_UBER_PL0000808
D-18	Zendesk ticket between K. Sabani and Uber Support re: airport queue (April 20, 2016)	UBER_RAZAK_00010718	UBER_RAZAK_00010721
D-20	K. Sabani map of all rejected trip requests (12/15/2013-2/02/2017)	UBER_RAZAK_00010793	UBER_RAZAK_00010793
D-21	K. Sabani map of rejected trip requests near home (12/15/2013-2/02/2017)	UBER_RAZAK_00010792	UBER_RAZAK_00010792
D-22	Screenshots of Freemo Limo's website		
D-23	Screenshots of Yelp page describing Freemo Limo		
D-24	Partnership Agreement between K. Sabani and M. Albari	RAZAK_UBER_PL0000223	RAZAK_UBER_PL0000225
D-25	IRS Notification that Freemo Limo was assigned an employer identification number		
D-26	K. Sabani's January 28, 2017 trip record and social media post		
D-28	K. Sabani's online/offline time from 12/21/15 to 12/22/15		
D-29	K. Sabani's online/offline time from 12/23/15 to 12/25/15		
D-32	K. Cherdoud map of all rejected trip requests (12/31/2013-2/02/2017)	UBER_RAZAK_00010790	UBER_RAZAK_00010790
D-33	K. Cherdoud map of rejected trip requests downtown (12/31/2013-2/02/2017)	UBER_RAZAK_00010789	UBER_RAZAK_00010789
D-34	Zendesk ticket between K. Cherdoud and Uber support re: issues at Philadelphia International Airport (April 2, 2016)	UBER_RAZAK_00010635	UBER_RAZAK_00010635
D-35	Milano Limo - Notice of Corporate Registration		

D-39	K. Cherdoud 02/11/16 trips w/attached phone records (including RAZAK_UBER_002771)		
D-40	K. Cherdoud 01/01/16 trips w/attached phone records (including RAZAK_UBER_002748)		
D-41	K. Cherdoud 01/22/16 trips w/attached phone records (including RAZAK_UBER_002761)		
D-42	K. Cherdoud 12/19/15 trips w/attached phone records (including RAZAK_UBER_002743)		
D-43	K. Cherdoud 02/20/16 trips w/attached phone records (including RAZAK_UBER_002775)		
D-45	List of Luxe Drivers	RAZAK_UBER_PL0006878	RAZAK_UBER_PL0006879
D-46	PA Dept of State Articles of Incorporation for Luxe Limousine Services, Inc.	RAZAK_UBER_PL0006858	RAZAK_UBER_PL0006859
D-47	PA Dept of State Bureau of Corporations document re: Luxe Limousine w/ attached Uber TSA (UBER_RAZAK_00003740-00003762)	RAZAK_UBER_PL0006860	RAZAK_UBER_PL0006860
		UBER_RAZAK_00003740	UBER_RAZAK_00003762
D-48	Uber City Addendum – Philadelphia (July 2013)	UBER_RAZAK_00003691	UBER_RAZAK_00003691
D-49	Luxe Limo 2015 Tax Returns	RAZAK_UBER_PL0007006	RAZAK_UBER_PL0007036
D-50	2015 1099 from Luxe Limousine to A. Razak	RAZAK_UBER_PL0006856	RAZAK_UBER_PL0006856
D-51	Luxe Limo 2016 Tax Returns	RAZAK_UBER_PL0007037	RAZAK_UBER_PL0007056

D-52	2016 1099 from Luxe Limousine to A. Razak	RAZAK_UBER_PL0006857	RAZAK_UBER_PL0006857
D-53	2016 1099 forms from Luxe Limousine to various recipients	RAZAK_UBER_PL0007463	RAZAK_UBER_PL0007494
D-56	Email between M. Rodriguez and A. Razak regarding a Blacklane trip	RAZAK_UBER_PL0007503	RAZAK_UBER_PL0007504
D-57	Luxe Limousine Official Tariff	RAZAK_UBER_PL0007498	RAZAK_UBER_PL0007501
D-58	PUC Data Request and Luxe Limo Reply	RAZAK_UBER_PL0007495	RAZAK_UBER_PL0007497
D-59	Luxe Limousine Website Screenshots	RAZAK_UBER_PL0007432	RAZAK_UBER_PL0007440
D-60	Luxe Limousine on Facebook	RAZAK_UBER_PL0007441	RAZAK_UBER_PL0007452
D-61	Luxe Limousine on Twitter and Yelp	RAZAK_UBER_PL0007453	RAZAK_UBER_PL0007462
D-62	Luxe Limousine Web Advertisement		
D-63	QRG Direct - Internet Marketing for Luxe Limousine (March and April 2017)	RAZAK_UBER_PL0007505	RAZAK_UBER_PL0007526
D-64	QRG Direct - Internet Marketing for Luxe Limousine (April 2017)	RAZAK_UBER_PL0006861	RAZAK_UBER_PL0006870
D-65	Google My Business screen shot for Luxe Limousine	RAZAK_UBER_PL0006871	RAZAK_UBER_PL0006871
D-66	Email from Blacklane re: Blacklane Driver Registration (August 24, 2016)	RAZAK_UBER_PL0007502	RAZAK_UBER_PL0007502
D-67	Email from AVI re Replacement of AVI Sticker (June 16, 2017) and Suspension Report	RAZAK_UBER_PL0007533	RAZAK_UBER_PL0007534
D-68	Monthly Statements from Blacklane	RAZAK_UBER_PL0006930	RAZAK_UBER_PL0006982

D-70	Uber Driver Addendum to TSA (December 11, 2015)	UBER_RAZAK_00003692	UBER_RAZAK_00003698
D-71 ²	Excerpts from A. Razak's 2015 Tax Returns with Redactions	RAZAK_UBER_PL0000184	RAZAK_UBER_PL0000187
		RAZAK_UBER_PL0000192	RAZAK_UBER_PL0000192
		RAZAK_UBER_PL0000207	RAZAK_UBER_PL0000210
		RAZAK_UBER_PL0000213	RAZAK_UBER_PL0000214
D-72	2016 1099-MISC Corrected Form from Luxe to A. Razak	RAZAK_UBER_PL0006857	RAZAK_UBER_PL0006857
D-73 ³	Excerpts from A. Razak's 2016 Tax Returns with Redactions	RAZAK_UBER_PL0007107	RAZAK_UBER_PL0007107
		RAZAK_UBER_PL0007111	RAZAK_UBER_PL0007114
		RAZAK_UBER_PL0007131	RAZAK_UBER_PL0007131
		RAZAK_UBER_PL0007148	RAZAK_UBER_PL0007151
		RAZAK_UBER_PL0007155	RAZAK_UBER_PL0007155
D-77	Razak eBanking Statement from April 17, 2015 to May 14, 2015	RAZAK_UBER_PL0006834	RAZAK_UBER_PL0006841
D-79	Philadelphia Limousine Association Home Facebook Page		

² D-71 as marked in depositions included RAZAK_UBER_PL0000184 through RAZAK_UBER_PL0000214 and RAZAK_UBER_PL0007106.

³ D-73 as marked in depositions included RAZAK_UBER_PL0007107 through RAZAK_UBER_PL0007155

D-81	PA Corporation Bureau Certificate of Organization Freemo Limo Inc	RAZAK UBER_PL00069 56	RAZAK UBER_PL000695 7
D-82	Public Utility Commission Application - Freemo Limo	RAZAK UBER_PL00069 58	RAZAK UBER_PL000695 8
D-83	Freemo Limo LLC – 2016 Form 1099-MISC issued to Akram Anissi, Atip Sabani, and Milano Limo Inc.	RAZAK UBER_PL00074 03	RAZAK UBER_PL000740 6
D-84	Yelp Freemo Limo	RAZAK UBER_PL00074 12	RAZAK UBER_PL000741 4
D-85	Freemo Limo on Facebook	RAZAK UBER_PL00074 15	RAZAK UBER_PL000742 2
D-86	Email with K. Sabani re: Broad St Run May 1 st (March 17, 2016)	RAZAK UBER_PL00075 41	RAZAK UBER_PL000754 2
D-87	Emails with K. Sabani re: negotiations for lower fares (May 13, 2016)	RAZAK UBER_PL00075 43	RAZAK UBER_PL000754 5
D-89	Freemo Limo Sales Report August 10, 2015 to May 10, 2017	RAZAK UBER_PL00069 60	RAZAK UBER_PL000696 0
D-90 ⁴	Excerpts from K. Sabani's 2014 Tax Returns with Redactions	RAZAK_UBER _PL0000833	RAZAK_UBER_ PL0000837
		RAZAK_UBER _PL0000845	RAZAK_UBER_ PL0000848
		RAZAK_UBER _PL0000850	RAZAK_UBER_ PL0000850

⁴ D-90 as marked in depositions included RAZAK_UBER_PL0000833 through RAZAK_UBER_PL0000854.

		RAZAK_UBER_PL0000852	RAZAK_UBER_PL0000852
		RAZAK_UBER_PL0000854	RAZAK_UBER_PL0000854
D-91 ⁵	Excerpts from K. Sabani's 2015 Tax Returns with Redactions	RAZAK_UBER_PL0007156	RAZAK_UBER_PL0007156
		RAZAK_UBER_PL0007160	RAZAK_UBER_PL0007164
		RAZAK_UBER_PL0007179	RAZAK_UBER_PL0007182
D-92 ⁶	Excerpts from K. Sabani's 2016 Tax Returns with Redactions	RAZAK_UBER_PL0007185	RAZAK_UBER_PL0007185
		RAZAK_UBER_PL0007189	RAZAK_UBER_PL0007196
		RAZAK_UBER_PL0007213	RAZAK_UBER_PL0007216
D-93	Internet article w/ A. Razak and K. Sabani (December 14, 2015)		
D-95	Certificate of Title for a Vehicle - M. Albari	RAZAK_UBER_PL0000221	RAZAK_UBER_PL0000221
D-98	Emails with K. Sabani re: trips for King Limousine	RAZAK_UBER_PL0007535	RAZAK_UBER_PL0007536
D-99	Emails with K. Sabani re: trips for Barry Limousine	RAZAK_UBER_PL0007537	RAZAK_UBER_PL0007540
D-104	K. Sabani's LinkedIn account		
D-106	PA Corporation Bureau Articles of Incorporation for Milano Limo	RAZAK_UBER_PL0006972	RAZAK_UBER_PL0006973

⁵ D-91 as marked in depositions included RAZAK_UBER_PL0007156 through RAZAK_UBER_PL0007184.

⁶ D-92 as marked in depositions included RAZAK_UBER_PL0007185 through RAZAK_UBER_PL0007218.

D-107	Milano Limo 2014 Tax Returns	RAZAK_UBER_PL0001312	RAZAK_UBER_PL0001337
D-108	Milano Limo 2015 Tax Returns	RAZAK_UBER_PL0001340	RAZAK_UBER_PL0001366
		RAZAK_UBER_PL0007247	RAZAK_UBER_PL0007275
D-109	Milano Limo 2016 Tax Returns	RAZAK_UBER_PL0007276	RAZAK_UBER_PL0007298
D-121	Car Payment Deductions for K. Cherdoud	RAZAK_UBER_PL0001385	RAZAK_UBER_PL0001385
D-122 ⁷	Excerpts from K. Cherdoud's 2013 Tax Returns with Redactions	RAZAK_UBER_PL0007299	RAZAK_UBER_PL0007299
		RAZAK_UBER_PL0007303	RAZAK_UBER_PL0007307
		RAZAK_UBER_PL0007316	RAZAK_UBER_PL0007319
D-123 ⁸	Excerpts from Cherdoud's 2014 Tax Returns with Redactions	RAZAK_UBER_PL0007320	RAZAK_UBER_PL0007320
		RAZAK_UBER_PL0007324	RAZAK_UBER_PL0007325
		RAZAK_UBER_PL0007339	RAZAK_UBER_PL0007340
		RAZAK_UBER_PL0007342	RAZAK_UBER_PL0007343
D-124 ⁹	Excerpts from Cherdoud's 2015 Tax Returns with Redactions	RAZAK_UBER_PL0001367	RAZAK_UBER_PL0001371

⁷ D-122 as marked in depositions was RAZAK_UBER_PL0007299 - RAZAK_UBER_PL0007319.

⁸ D-123 as marked in depositions was RAZAK_UBER_PL0007320 - RAZAK_UBER_PL0007343.

⁹ D-124 as marked in depositions was RAZAK_UBER_PL0001368 - RAZAK_UBER_PL0001384.

		RAZAK_UBER_PL0001381	RAZAK_UBER_PL0001382
D-125 ¹⁰	Excerpts from Cherdoud's 2016 Tax Returns with Redactions	RAZAK_UBER_PL0007369	RAZAK_UBER_PL0007372
		RAZAK_UBER_PL0007385	RAZAK_UBER_PL0007387
		RAZAK_UBER_PL0007394	RAZAK_UBER_PL0007398
		RAZAK_UBER_PL0007401	RAZAK_UBER_PL0007402
D-126	Buyers Order for Car for K. Cherdoud	RAZAK_UBER_PL0000873	RAZAK_UBER_PL0000873
D-129	PPA Taxicab and Limousine Division Driver Certification Exam Letter (December 20, 2013)	RAZAK_UBER_PL0000915	RAZAK_UBER_PL0000915
D-131	Owner/Operator Agreement between Owner and Gegen, LCC (March 2013)	UBER_RAZAK_0010879	UBER_RAZAK_0010895
D-132	Driver Addendum Related to Uber Services (December 2013)	UBER_RAZAK_00007833	UBER_RAZAK_00007835
D-133	Software License and Online Services Agreement (December 2013)	UBER_RAZAK_00007836	UBER_RAZAK_00007846
D-134	Notice Regarding Dispute Resolution (June 20, 2014)	UBER_RAZAK_00007034	UBER_RAZAK_00007052
D-135	Driver Addendum Related to Uber Services (June 20, 2014)	UBER_RAZAK_00007829	UBER_RAZAK_00007832
D-136	Software License and Online Services Agreement (June 21, 2014)	UBER_RAZAK_00001157	UBER_RAZAK_00001173
D-137	Driver Addendum Related to Uber Services (June 21, 2014)	UBER_RAZAK_00003736	UBER_RAZAK_00003739
D-138	Software License and Online Services Agreement (November 10, 2014)	UBER_RAZAK_00003665	UBER_RAZAK_00003684

¹⁰ D-125 as marked in depositions was RAZAK_UBER_PL0007369 - RAZAK_UBER_PL0007402.

D-139	Driver Addendum to Software License and Online Services Agreement (November 10, 2014)	UBER_RAZAK_00007823	UBER_RAZAK_00007828
D-140	Software License and Online Services Agreement (April 3, 2015)	UBER_RAZAK_00003716	UBER_RAZAK_00003735
D-142	Accessibility Compliance Notification	UBER_RAZAK_00003280	UBER_RAZAK_00003282
D-143	Exact Target Communication re: Traveling this weekend	UBER_RAZAK_00000126	UBER_RAZAK_00000132
D-144	Exact Target Communication re: airport zone	UBER_RAZAK_00000178	UBER_RAZAK_00000189
D-145	Exact Target Communication re: earn more on weekdays	UBER_RAZAK_00000246	UBER_RAZAK_00000249
D-146	Exact Target Communication re: demand	UBER_RAZAK_00000526	UBER_RAZAK_00000530
D-147	Exact Target Communication re: How does Uber fit	UBER_RAZAK_00000938	UBER_RAZAK_00000949
D-148	Mailchimp - Train Station Update	UBER_RAZAK_00001553	UBER_RAZAK_00001559
D-149	A. Razak Trip History (UberBlack): Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from July 16, 2014 through December 13, 2016	UBER_RAZAK_00002072*	UBER_RAZAK_00002072
D-150	A. Razak Trip History (UberBlack): Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from July 16, 2014 through February 7, 2017	UBER_RAZAK_00008305*	UBER_RAZAK_00008305
D-151	A. Razak Trip History (UberP2P): Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from May 1, 2015 through May 31, 2015	UBER_RAZAK_00008306*	UBER_RAZAK_00008306
D-152	A. Razak Trip History (combined): Excel spreadsheet with start and end time of trip, trip status, driver fare, driver rating, client feedback from July 16, 2014 through April 7, 2017	UBER_RAZAK_0010798*	UBER_RAZAK_0010798
D-153	A. Razak Trip History (UberBlack): Excel spreadsheet with online/offline times from February 7, 2017 through June 29, 2017	UBER_RAZAK_0013474*	UBER_RAZAK_0013474
D-154	A. Razak Trip History (UberBlack): Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from February 7, 2017	UBER_RAZAK_0013475*	UBER_RAZAK_0013475

	through June 30, 2017		
D-155	A. Razak Trip History: Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare from July 1, 2017 through January 6, 2018	UBER_RAZAK_0014423*	UBER_RAZAK_0014423
D-156	A. Razak Trip History: Excel spreadsheet with offer time, start and end time of trip, trip status, driver fare from June 30, 2017 through January 6, 2018	UBER_RAZAK_0014424*	UBER_RAZAK_0014424
D-157	A. Razak Trip History: Excel spreadsheet with app status change from July 1, 2017 through January 6, 2018	UBER_RAZAK_0014427*	UBER_RAZAK_0014427
D-158	A. Razak Trip History: Excel spreadsheet with online/offline times from July 1, 2017 through January 6, 2018	UBER_RAZAK_0014428*	UBER_RAZAK_0014428
D-159	A. Razak Trip History: Excel spreadsheet with online/offline times from July 16, 2014 through December 2, 2016 (Profile 1)	UBER_RAZAK_00005864*	UBER_RAZAK_00005864
D-160	A. Razak Trip History: Excel spreadsheet with online/offline times from May 1, 2015 through July 4, 2015 (Profile 2)	UBER_RAZAK_00005870*	UBER_RAZAK_00005870
D-161	A. Razak Trip History: Excel spreadsheet with request time, start and end time of trip, trip status, driver fare, client rating and feedback from May 1, 2015 through May 31, 2015 (P2P)	UBER_RAZAK_00005871*	UBER_RAZAK_00005871
D-162	A. Razak record of Uber agreements	UBER_RAZAK_0014417	UBER_RAZAK_0014417
D-163	A. Razak record of Uber agreements (part 2)	UBER_RAZAK_0014429	UBER_RAZAK_0014429
D-164	Excerpts from A. Razak's 2017 Tax Return with Redactions	RAZAK_UBER_PL0007601	RAZAK_UBER_PL0007604
		RAZAK_UBER_PL0007617	RAZAK_UBER_PL0007617
		RAZAK_UBER_PL0007624	RAZAK_UBER_PL0007627
		RAZAK_UBER_PL0007630	RAZAK_UBER_PL0007630
		RAZAK_UBER_PL0007632	RAZAK_UBER_PL0007632
D-165	Luxe Limo 2017 Tax Returns	RAZAK_UBER_PL0007642	RAZAK_UBER_PL0007664
D-167	A. Razak - Zendesk ride cancellation	UBER_RAZAK_00008073	UBER_RAZAK_00008074
D-168	Correspondence between A. Razak and Uber re: cleaning fee (May 29, 2016)	UBER_RAZAK_00008270	UBER_RAZAK_00008271

D-169	Correspondence between A. Razak and Uber re: fair adjustment (October 18, 2016)	UBER_RAZAK_00008302	UBER_RAZAK_00008302
D-170	Zendesk Communication with A. Razak re: Negative Feedback Notification	UBER_RAZAK_00008089	UBER_RAZAK_00008092
D-171	Zendesk Communication with A. Razak re: Account Follow-up	UBER_RAZAK_00008161	UBER_RAZAK_00008163
D-172	Zendesk Communication with A. Razak re: Citation	UBER_RAZAK_00008196	UBER_RAZAK_00008198
D-173	A. Razak email to Uber re: removing UberX account	RAZAK_UBER_PL0000149	RAZAK_UBER_PL0000149
D-174	Email from Uber to A. Razak re: UberBlack updates (August 18, 2015)	RAZAK_UBER_PL0000156	RAZAK_UBER_PL0000160
D-175	Email exchange between Uber and kouibaa3@netzero.net ("Jamal") re: account issue	RAZAK_UBER_PL0006884	RAZAK_UBER_PL0006885
D-176	Email exchange between Uber and kouibaa3@netzero.net ("Jamal") re: reports of inappropriate behavior	RAZAK_UBER_PL0006886	RAZAK_UBER_PL0006888
D-177	Email exchange between Uber and kouibaa3@netzero.net ("Jamal") re: fare adjustment	RAZAK_UBER_PL0006889	RAZAK_UBER_PL0006893
D-178	Monthly Statements from Blacklane	RAZAK_UBER_PL0006909	RAZAK_UBER_PL0006929
		RAZAK_UBER_PL0006893	RAZAK_UBER_PL0007005
		RAZAK_UBER_PL0006880	RAZAK_UBER_PL0006893
		RAZAK_UBER_PL0006928	RAZAK_UBER_PL0006931
		RAZAK_UBER_PL0006934	RAZAK_UBER_PL0006952
D-179	Email from Blacklane re: Tour assignment – 19 Aug 2017	RAZAK_UBER_PL0007527	RAZAK_UBER_PL0007528
D-180	Email from Blacklane re: Tour assignment – 31 May 2017	RAZAK_UBER_PL0007530	RAZAK_UBER_PL0007531
D-182	Website information for Luxe Limo	RAZAK_UBER_PL0006872	RAZAK_UBER_PL0006877
D-183	K. Sabani Trip History: Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback for from December 15, 2013 through December 12, 2016	UBER_RAZAK_00002071*	UBER_RAZAK_00002071
D-185	K. Sabani Online Offline Status Report (UberP2P) from January 16, 2017 through January 24, 2017	UBER_RAZAK_00008533*	UBER_RAZAK_00008533

D-186	K. Sabani Trip History: Excel spreadsheet (UberBlack account) with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from December 15, 2013 through February 3, 2017	UBER_RAZAK_00010180*	UBER_RAZAK_00010180
D-187	K. Sabani Trip History: Excel spreadsheet (UberP2P account) with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from January 16, 2017 through January 24, 2017	UBER_RAZAK_00010181*	UBER_RAZAK_00010181
D-184	K. Sabani Online Offline Status Report from December 13, 2013 through December 2, 2016	UBER_RAZAK_0010787*	UBER_RAZAK_0010787
D-190	K. Sabani Trip History: Excel spreadsheet start and end time of trip, trip status, driver fare, driver rating, client feedback from December 13, 2013 through April 6, 2017	UBER_RAZAK_0010799*	UBER_RAZAK_0010799
D-188	K. Sabani Trip History: Excel spreadsheet (UberP2P account) with online/offline status from January 24, 2017 through April 22, 2017	UBER_RAZAK_0013478*	UBER_RAZAK_0013478
D-189	K. Sabani Trip History: Excel spreadsheet (UberP2P account) with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from January 16, 2017 through March 23, 2017	UBER_RAZAK_0013490*	UBER_RAZAK_0013490
D-191	K. Sabani Trip History (UberBlack account): Excel spreadsheet online/offline time from February 3, 2017 through June 27, 2017	UBER_RAZAK_0013836*	UBER_RAZAK_0013836
D-192	K. Sabani Trip History (UberBlack account): Excel spreadsheet start and end time of trip, trip status, driver fare, driver rating, client feedback from February 3, 2017 through June 30, 2017	UBER_RAZAK_0014381*	UBER_RAZAK_0014381
D-193	K. Sabani Trip History: Excel spreadsheet of request time, start and end time of trip, trip status, driver fare from July 1, 2017 through January 11, 2018	UBER_RAZAK_0014387*	UBER_RAZAK_0014387
D-194	K. Sabani Trip History: Excel spreadsheet of time of offer, start and end time of trip, trip status from July 1, 2017 through January 11, 2018	UBER_RAZAK_0014393*	UBER_RAZAK_0014393
D-195	K. Sabani Trip History: Excel spreadsheet of time online/offline times from July 1, 2017 through January 11, 2018	UBER_RAZAK_0014394*	UBER_RAZAK_0014394

D-197	K. Sabani Trip History: Excel spreadsheet with online/offline status from July 24, 2017 through January 11, 2018	UBER_RAZAK_0014398*	UBER_RAZAK_0014398
D-196	K. Sabani Trip History: Excel spreadsheet of status changes from June 30, 2017 through January 11, 2018	UBER_RAZAK_0014399*	UBER_RAZAK_0014399
D-198	K. Sabani Trip History: Excel spreadsheet with time of offer, start and end time of trip, trip status from July 24, 2017 through January 10, 2018	UBER_RAZAK_0014402*	UBER_RAZAK_0014402
D-199	K. Sabani Trip History: Excel spreadsheet with time of offer, start and end time of trip, trip status from July 1, 2017 through January 12, 2018	UBER_RAZAK_0014419*	UBER_RAZAK_0014419
D-200	K. Sabani map of all rejected trip requests at airport (12/15/2013-2/02/2017)	UBER_RAZAK_0010794	UBER_RAZAK_0010794
D-201	K. Sabani record of Uber agreements	UBER_RAZAK_0014396	UBER_RAZAK_0014396
D-202	K. Sabani's 2017 Tax Returns	RAZAK_UBER_PL0007633	RAZAK_UBER_PL 0007641
D-209	Receipt of car sale to K. Sabani	RAZAK_UBER_PL0000222	RAZAK_UBER_PL0000222
D-210	K. Sabani Expense Receipts	RAZAK_UBER_PL0000478	RAZAK_UBER_PL0000480
		RAZAK_UBER_PL0000482	RAZAK_UBER_PL0000485
		RAZAK_UBER_PL0000487	RAZAK_UBER_PL0000497
		RAZAK_UBER_PL0000500	RAZAK_UBER_PL0000501
		RAZAK_UBER_PL0000503	RAZAK_UBER_PL0000503
		RAZAK_UBER_PL0000505	RAZAK_UBER_PL0000505
D-211	Email from Uber to K. Sabani re: maximizing earnings 4/24-4/27	RAZAK_UBER_PL0003953	RAZAK_UBER_PL0003955
D-212	Email from Uber to K. Sabani re: maximizing earnings 4/21-4/23	RAZAK_UBER_PL0003961	RAZAK_UBER_PL0003963
D-213	Email from Uber to K. Sabani re: maximizing earnings 4/17-4/20	RAZAK_UBER_PL0003964	RAZAK_UBER_PL0003966
D-214	Email from Uber to K. Sabani re: maximizing earnings 4/3-4/9	RAZAK_UBER_PL0003979	RAZAK_UBER_PL0003981
D-215	Email from Uber to K. Sabani re: weekly summary May 2, 2016 – May 9, 2016	RAZAK_UBER_PL0004118	RAZAK_UBER_PL0004120

D-216	Email from Uber to K. Sabani re: weekly summary April 18, 2016 – April 25, 2016	RAZAK_UBER_PL0004136	RAZAK_UBER_PL0004138
D-217	Email from Uber to K. Sabani re: Philly Weekend Update	RAZAK_UBER_PL0004297	RAZAK_UBER_PL0004299
D-218	Email from Uber to K. Sabani re: Increase Earnings on Biggest Night to Drive	RAZAK_UBER_PL0004325	RAZAK_UBER_PL0004327
D-219	Email from Uber to K. Sabani re: New Feature to Maximize Earnings	RAZAK_UBER_PL0004328	RAZAK_UBER_PL0004329
D-220	Email from Uber to K. Sabani re: busiest places to drive on New Year's Eve	RAZAK_UBER_PL0004337	RAZAK_UBER_PL0004338
D-221	Email from Uber to K. Sabani re: Philly Weekend Update	RAZAK_UBER_PL0004376	RAZAK_UBER_PL0004381
D-222	Email exchange between Uber and K. Sabani re: trip and airport system (April 22, 2016)	RAZAK_UBER_PL0004909	RAZAK_UBER_PL0004912
D-223	Email from Uber to K. Sabani re: weekly driver summary	RAZAK_UBER_PL0005186	RAZAK_UBER_PL0005189
D-224	Email exchange between Uber and K. Sabani re: ratings and rider altercation	RAZAK_UBER_PL0005211	RAZAK_UBER_PL0005213
D-225	Email exchange between Uber and K. Sabani re: report of rider	RAZAK_UBER_PL0005316	RAZAK_UBER_PL0005317
D-226	Email from Uber to K. Sabani re: updates to airport	RAZAK_UBER_PL0005595	RAZAK_UBER_PL0005599
D-227	Zendesk ticket between K. Sabani and Uber support re PPA sticker cost (August 26, 2016)	UBER_RAZAK_0010669	UBER_RAZAK_0010670
D-228	Zendesk ticket between Sabani and Uber Support re: driver rating (April 8, 2016)	UBER_RAZAK_0010722	UBER_RAZAK_0010740
D-229	K. Sabani - Zendesk ride cancellation	UBER_RAZAK_00008313	UBER_RAZAK_00008313
D-230	Freemo Limo, LLC website printouts	RAZAK_UBER_PL0007423	RAZAK_UBER_PL00074231
D-231	K. Cherdoud Trip History: Excel spreadsheet with start and end time of trip, trip status, driver fare, driver rating, client feedback from December 30, 2013 through April 7, 2017	UBER_RAZAK_0010797*	UBER_RAZAK_0010797
D-232	K. Cherdoud Trip History: Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback from December 31, 2013 through February 7, 2017	UBER_RAZAK_00008034*	UBER_RAZAK_00008034
D-233	K. Cherdoud Trip History (UberBlack Account): Excel spreadsheet with time of request, start and end time of trip, trip status, driver fare, driver rating, client feedback	UBER_RAZAK_0013835*	UBER_RAZAK_0013835

	from February 6, 2017 through June 28, 2017		
D-234	K. Sabani Trip History: Excel spreadsheet with app status changes from July 6, 2017 through January 11, 2018	UBER_RAZAK_0014397*	UBER_RAZAK_0014397
D-236	K. Cherdoud Trip History: Excel spreadsheet with time online and offline from February 6, 2017 through January 11, 2018	UBER_RAZAK_0014416*	UBER_RAZAK_0014416
D-235	K. Cherdoud Trip History: Excel spreadsheet with time of request, start and end time of trip, trip status, and fare from July 1, 2017 through January 12, 2018	UBER_RAZAK_0014421*	UBER_RAZAK_0014421
D-237	K. Cherdoud map of rejected trip requests at airport (12/31/2013-2/02/2017)	UBER_RAZAK_0010788	UBER_RAZAK_0010788
D-238	K. Cherdoud map of rejected trip requests near home (12/31/2013-2/02/2017)	UBER_RAZAK_0010791	UBER_RAZAK_0010791
D-239	K. Sabani record of Uber agreements (part 2)	UBER_RAZAK_0014390	UBER_RAZAK_0014390
D-240	K. Cherboud record of Uber agreements	UBER_RAZAK_0014415	UBER_RAZAK_0014415
D-241	K. Cherdoud Signature Page on Operator Agreement (June 18, 2014)	UBER_RAZAK_00001156	UBER_RAZAK_00001156
D-242	Excerpts from K. Cherboud's 2017 Tax Return with Redactions	RAZAK_UBER_PL0007557	RAZAK_UBER_PL0007560
		RAZAK_UBER_PL0007575	RAZAK_UBER_PL0007578
		RAZAK_UBER_PL0007582	RAZAK_UBER_PL0007583
D-243	2017 Milano Limo Tax Returns	RAZAK_UBER_PL 0007584	RAZAK_UBER_PL 0007594
D-244	Milano Limo Inc. – 2016 Form 1099-MISC issued to K. Cherdoud	RAZAK_UBER_PL0006970	RAZAK_UBER_PL0006971
D-247	Milano Limo – IRS letter re: EIN	RAZAK_UBER_PL0001310	RAZAK_UBER_PL0001311
D-248	K. Cherdoud Lease Agreement – December 30, 2013	UBER_RAZAK_00001174	UBER_RAZAK_00001174
D-249	ZenDesk Ticket for K. Cherdoud re: surcharge	UBER_RAZAK_00007883	UBER_RAZAK_00007883
D-250	ZenDesk Ticket for K. Cherdoud re: cancellation	UBER_RAZAK_00007893	UBER_RAZAK_00007893
D-251	K. Cherdoud – Zendesk ride cancellation	UBER_RAZAK_00007903	UBER_RAZAK_00007903
D-252	Uber Community Guidelines	UBER_RAZAK_0010186	UBER_RAZAK_0010234
D-253	Driver Deactivation Policy – US Only	UBER_RAZAK_0010235	UBER_RAZAK_0010258

D-254	A. Razak – Candy Crush Activity	RAZAK_UBER_PL0001416	RAZAK_UBER_PL0001721
D-255	Driver Deactivation Policy – US Only (July 26, 2016)	UBER_RAZAK_0015962	UBER_RAZAK_0015966

VI. DEFENDANTS’ OBJECTIONS TO PLAINTIFFS’ EXHIBITS AND WITNESSES

On January 29, 2024, Defendants conferred with Plaintiffs regarding objections they had to Plaintiffs’ exhibits on the basis of authenticity and admissibility and witnesses on the basis of admissibility. The parties were unable to resolve the objections to Plaintiffs’ exhibits and witnesses outlined herein.

A. Objections to Plaintiffs’ Witnesses

Defendants object to Plaintiffs’ identification of “[o]ther UberBLACK drivers who worked in the Philadelphia market between 2013 and 2018 and who were deactivated or suspended” on the basis that this identification fails to comply with the Court’s order and is outside the limited scope of the limited issues at trial. *See* Defendants’ forthcoming Motion *In Limine* Regarding Scope of the Case.

B. Objections to Plaintiffs’ Exhibits

Exhibit No.	Document Description	Bates No. or Dkt. No.	Agree Authentic?	Agree Admissible?	Basis of Objection
1	Gegen Owner/Operator Agreement, March 2013	UBER_RAZAK_00001174	Y	Y	
2	Uber City Addendum – Philadelphia, July 2013	UBER_RAZAK_00002050	Y	Y	
3	Gegen Annual Vehicle Lease Agreement, Khaldoun	UBER_RAZAK_00010879-10895	Y	Y	

	Cherdoud, December 30, 2013				
4	Uber Software License and Online Services Agreement, December 2013	UBER_RAZAK_0000 7836-7846	Y	Y	
5	Driver Addendum Related to Uber Services, December 2013	UBER_RAZAK_0000 7833-7835	Y	Y	
6	Important Notice Regarding Dispute Resolution with Uber, June 20, 2014	UBER_RAZAK_0000 7034-7052	Y	Y	
7	Driver Addendum Related to Uber Services, June 20, 2014	UBER_RAZAK_0000 7829-7832	Y	Y	
8	Uber Software License and Online Services Agreement, June 21, 2014	UBER_RAZAK_0000 1157-1173	Y	Y	
9	Driver Addendum Related to Uber Services, June 21, 2014	UBER_RAZAK_0000 3736-3739	Y	Y	
10	Uber Addendum for "Bring Your Own Device" Program, Livery Version, August 26, 2014	UBER_RAZAK_0000 2048-2049	Y	Y	
11	Rasier Software License and Online Services Agreement, November 10, 2014	UBER_RAZAK_0000 3646-3664	Y	Y	

12	Uber Logistik, LLC Software License and Online Services Agreement, November 10, 2014	UBER_RAZAK_0000 3665-3684	Y	Y	
13	Uber Driver Addendum to Software License and Online Services Agreement, November 10, 2014	UBER_RAZAK_0000 3685-3690	Y	Y	
14	Uber USA, LLC Software License and Online Services Agreement, April 3, 2015	UBER_RAZAK_0000 3716-3735	Y	Y	
15	P2P Services Only – City Addendum – Pennsylvania and New Jersey, July 1, 2015	UBER_RAZAK_0000 5865-5866	Y	Y	
16	Uber Technology Services Agreement, December 11, 2015	UBER_RAZAK_0000 3740-3762	Y	Y	
17	Uber Driver Addendum to Technology Services Agreement, December 11, 2015	UBER_RAZAK_0000 3692-3698	Y	Y	
18	P2P Services Only – Service Fee Addendum – Philadelphia, PA, May 26, 2016	UBER_RAZAK_0000 8537-8538	Y	Y	
19	P2P Services Only – City Addendum – Pennsylvania	UBER_RAZAK_0000 5867-5869	Y	Y	

	and New Jersey, October 26, 2016				
20	Razak Record of Uber Agreements Part 1	UBER_RAZAK_0014 417	Y	Y	
21	Razak Record of Uber Agreements Part 2	UBER_RAZAK_0014 429	Y	Y	
22	Sabani Record of Uber Agreements	UBER_RAZAK_0014 396	Y	Y	
23	Cherdoud Record of Uber Agreements Part 1	UBER_RAZAK_0014 390	Y	Y	Misidentified. This is a Sabani record.
24	Cherdoud Record of Uber Agreements Part 2	UBER_RAZAK_0014 415	Y	Y	
25	Cherdoud Signature Page on Operator Agreement (June 18, 2014)	UBER_RAZAK_0000 1156	Y	Y	
26	Code of Conduct, 2016	UBER_RAZAK_0015 913-15918	Y	Y	
27	Legal Policy, 2016	UBER_RAZAK_0015 919-15931	Y	Y	
28	Deactivation Policy, April 21, 2016	UBER_RAZAK_0015 967-15990	Y	Y	
29	Deactivation Policy, July 26, 2016	UBER_RAZAK_0015 962-15966	Y	Y	
30	Community Guidelines, December 8, 2016	UBER_RAZAK_0015 949-15955	Y	Y	
31	Community Guidelines, March 23, 2017	UBER_RAZAK_0010 186	Y	N	Incomplete; does not include entire document
32	Code of Conduct, October 17, 2017	UBER_RAZAK_0015 936-15948	Y	Y	

33	Uber Philly Quality Playbook	UBER_RAZAK_0010 771-10786	Y	N	FRE 401, 403
34	Uber ADA Policies and Guidelines	UBER_RAZAK_0000 0085-00000090	Y	Y	
35	Uber Philadelphia Airport Policies	UBER_RAZAK_0000 0567-570	Y	Y	
36	Uber Email Regarding Airport Policy Updates	UBER_RAZAK_0000 1565-1573, 1592-1602, 1608-1616, 6433-6436	Y	N	Need to break down page ranges into separate exhibits
37	Uber Email Regarding Empty Sleeping in Airport Lot	UBER_RAZAK_0000 0283-284	Y	Y	
38	SKIPPED BY PLAINTIFFS				
39	Uber Emails Regarding Airport Queue Phone Switching	UBER_RAZAK_0000 2303-2307, 6437-6441	Y	Y	Need to break down page ranges into separate exhibits
40	Uber Policy Reminder Regarding Atlantic City Airport	UBER_RAZAK00002 716-2720	Y	Y	
41	Uber Zero Tolerance Policy	UBER_RAZAK00002 056-2063	Y	Y	
42	Uber Safety Policy	UBER_RAZAK00000 614-618	Y	Y	
43	Amara & Associates Letters	UBER_RAZAK_PL00 07058, 7007, 7157, 7321, 7220	Y	Y	Need to break down page ranges into separate exhibits
44	Gegen and Rasier Comments to the Pennsylvania Public Utilities Commission, September 26, 2016	Dkt. 117-16	Y	N	FRE 401; Offer of proof requested

45	Notice of Gegen Application as Limousine Service to Philadelphia Parking Authority, December 29, 2012	Dkt. 117-17	Y	N	FRE 401; Offer of proof requested
46	Letter from Philadelphia Parking Authority to Gegen Awarding Certificate of Public Convenience	UBER_RAZAK_PL0000	Y	N	Bates range cited contains error. Please confirm bates range so we can evaluate; offer of proof requested
47	Uber Quality Improvement Courses Webpage	Dkt. 117-22	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403. Specifically, website is dated 2/20/18 (outside temporal scope)
48	Uber Email re Background Check	UBER_RAZAK_PL0000001	Y	Y	
49	Uber Email re Cleaning Fee	UBER_RAZAK_PL0000173	Y	Y	
50	Excerpts of Cherdoud 2014 Tax Documents	UBER_RAZAK_PL0007409, 7223, 7324, 73325	Y	N	Need to break down page ranges into separate exhibits
51	Excerpts of Cherdoud 2015 Tax Documents	UBER_RAZAK_PL0007409	Y	Y	
52	Excerpts of Cherdoud 2016 Tax Documents	UBER_RAZAK_PL0007411, 7290, 7369	Y	N	Need to break down page ranges into separate exhibits
53	Excerpts of Luxe Limousine 2015 Tax Documents	UBER_RAZAK_PL0007023	Y	Y	
54	Excerpts of Luxe Limousine 2016 Tax Documents	UBER_RAZAK_PL0007052	Y	Y	
55	Excerpts of Sabani 2014 Tax Documents	UBER_RAZAK_PL0000835	Y	Y	

56	Cherdoud Gegen Vehicle Registration to Gegen's Fleet	UBER_RAZAK_PL00 00882	Y	Y	
57	Cherdoud Gegen Driver Certificate	UBER_RAZAK_PL00 00907	Y	Y	
58	Gegen and Cherdoud Certificate of Liability Insurance	UBER_RAZAK_PL00 00880	Y	Y	
59	Gegen and Cherdoud Financial Responsibility Card	UBER_RAZAK_PL00 00881	Y	Y	
60	Razak Background Check	UBER_RAZAK_0010 801-10804	Y	Y	
61	Sabani Background Check	UBER_RAZAK_0010 826-10829	Y	Y	
62	Cherdoud Background Check	UBER_RAZAK_0010 854-10856	Y	Y	
63	Communication s between Uber and Plaintiffs	UBER_RAZAK_0000 7851-7935	Y	N	Need to break down page ranges into separate exhibits
64	Communication s between Uber and Plaintiffs	UBER_RAZAK_0000 7954	Y	N	This bates range is a payment summary for Cherdoud, not communications between Uber and Plaintiffs. Please confirm which (description or bates range) is correct
65	Communication s between Uber and Plaintiffs	UBER_RAZAK_0000 8035-8530	Y	N	Need to break down page ranges into separate exhibits
66	Communication s between Uber and Plaintiffs	UBER_RAZAK_0001 0177-10179	Y	Y	
67	Communication s between Uber and Plaintiffs	UBER_RAZAK_0010 635-10769	Y	N	Need to break down page ranges into separate exhibits
68	Communication s between Uber and Plaintiffs	UBER_RAZAK_0010 800-10955	Y	N	Need to break down page ranges into separate exhibits. This bates range contains documents that are not communications between Uber and Plaintiffs.

69	Communications between Uber and Plaintiffs	UBER_RAZAK_0013 479-13484	Y	N	Need to break down page ranges into separate exhibits
70	Communications between Uber and Plaintiffs	UBER_RAZAK_0013 492-13493	Y	N	Need to break down page ranges into separate exhibits
71	Communications between Uber and Plaintiffs	UBER_RAZAK_0013 675-13678	Y	N	Need to break down page ranges into separate exhibits
72	Communications between Uber and Plaintiffs	UBER_RAZAK_0013 837-13845	Y	N	Need to break down page ranges into separate exhibits
73	Communications between Uber and Plaintiffs	UBER_RAZAK_0014 145-14339	Y	N	This bates range is a payment summary for Cherdoud, not communications between Uber and Plaintiffs. Please confirm which (description or bates range) is correct
74	Communications between Uber and Plaintiffs	UBER_RAZAK_0014 408-14667	Y	N	Need to break down page ranges into separate exhibits
75	Communications between Uber and Plaintiffs	UBER_RAZAK_PL00 0001-183	Y	N	Need to break down page ranges into separate exhibits
76	Communications between Uber and Plaintiffs	UBER_RAZAK_PL00 03789-4934	Y	N	Need to break down page ranges into separate exhibits
77	Communications between Uber and Plaintiffs	UBER_RAZAK_PL00 06884-6893	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403. Need to break down page ranges into separate exhibits.
78	Unredacted Versions of Zendesk Communications at issue in Plaintiffs' Motion to Compel (Dkt. 155)	To be produced by Uber	Y	N	To be re-evaluated once production is complete and bates numbers are identified by Plaintiffs. Will need to break down page ranges into separate exhibits.
79	Uber Philly – Big Events & News Emails	UBER_RAZAK_0013 37, 1522, 1637, 7083, 7162, 7338	Y	N	Need to break down page ranges into separate exhibits. In addition, this exhibit is incomplete

80	Uber Weekend Update Emails	UBER_RAZAK_0000 0382, 454, 531, 729, 868, 972, 1000, 1098, 1140, 1242, 1248, 1308, 1328, 1344, 1355, 1382, 1399, 1428, 1437, 1456, 1477, 1565, 1592, 2213, 2308, 2340, 2499, 2544, 2554, 2646, 2684, 2771, 2961, 3010, 3286, 3494, 3542, 6240, 6316, 6385, 6606, 6612, 6744, 6839, 6967, 7018, 7114, 7138, 7162, 7193 (note, these bates numbers are only the first number in their ranges)	Y	N	Need to break down page ranges into separate exhibits. In addition, this exhibit is incomplete
81	Uber Emails Regarding Dress Code	UBER_RAZAK_0000 1279-1285, 1448-1455, 1626-1633, 7093-7100, 7223-7230, 7402-7408	Y	N	Need to break down page ranges into separate exhibits
82	Uber Emails Regarding Commercial Liability Insurance	UBER_RAZAK_0000 2240-2241	Y	N	This bates range is not about commercial liability insurance, it is about cancelled trips.
83	Uber Emails Regarding Cancellation Rate	UBER_RAZAK_0000 2240-2241, 2927-2928	Y	N	Need to break down page ranges into separate exhibits
84	Uber Email Regarding Disparaging Uber	UBER_RAZAK_0000 2628-2629	Y	Y	
85	Uber Partner Policy Updates	UBER_RAZAK_0000 1470-76, 7202-7208	Y	N	Need to break down page ranges into separate exhibits
86	Uber Quality Summary Email Template	UBER_RAZAK_0014 541-14546	Y	Y	
87	Uber Email Accepting riders with disabilities and their service animals	UBER_RAZAK_0014 559	Y	Y	

88	Uber Email Please make sure you have your new PPA sticker by October 23	UBER_RAZAK_0014 719	Y	Y	
89	Uber Email announcing tipping	UBER_RAZAK_0014 730-14733	Y	Y	
90	Uber tipping email	UBER_RAZAK_0014 744-14745	Y	Y	
91	Uber Email Service Fee Refund Update	UBER_RAZAK_0014 814	Y	N	This is incomplete (the email identified is three pages and all three need to be included).
92	Uber Email Partner Performance Template	UBER_RAZAK_0014 827-14831	Y	Y	
93	Uber Email Regarding New Deactivation Policy	UBER_RAZAK_0000 5799-5801	Y	Y	
94	Uber Emails Regarding Expired Documents	UBER_RAZAK_0000 1988-1990, 1991-1993, 1994-1996	Y	N	Need to break down page ranges into separate exhibits
95	Uber Email Regarding Placards and PPA Inspection	UBER_RAZAK_0015 104	Y	Y	
96	Screenshots of Webpages	UBER_RAZAK_0015 991-15994	Y	N	FRE 403
97	Spreadsheet Reflecting Sampling of Philadelphia UberBLACK drivers deactivated	UBER_RAZAK_0015 999	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403

98	Additional documents regarding deactivation and suspension of Philadelphia UberBLACK drivers, anticipated to be produced by Defendants		N	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
99	Remarks from Uber's Press Call (March 17, 2017)	https://www.uber.com/newsroom/press-call/	Y	N	FRE 403; offer of proof requested
100	Razak Pay Statement, July 28, 2014	UBER_RAZAK_0000 5833-5835	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
101	Razak Pay Statement, March 23, 2015	UBER_RAZAK_0000 3827-3829	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
102	Razak Pay Statement, March 21, 2016	UBER_RAZAK_0000 3769-3771	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
103	Razak Pay Statement, June 5, 2017	UBER_RAZAK_0011 271-11272	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
104	Sabani Pay Statement, December 16, 2013	UBER_RAZAK_0010 334-10335	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
105	Sabani Pay Statement, March 17, 2014	UBER_RAZAK_0010 274-10277	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
106	Sabani Pay Statement, December 21, 2015	UBER_RAZAK_0000 7505-7509	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
107	Sabani Pay Statement, March 21, 2016	UBER_RAZAK_0000 7474-7478	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
108	Sabani Pay Statement	UBER_RAZAK_0000 8531	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE

	January 30, 2017				401-403, offer of proof requested. Incomplete.
109	Cherdoud Pay Statement, March 10, 2014	UBER_RAZAK_0000 7936-7941	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
110	Cherdoud Pay Statement, March 21, 2015	UBER_RAZAK_0000 1666-1668	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
111	Cherdoud Pay Statement, March 21, 2016	UBER_RAZAK_0000 1657-1659	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
112	Cherdoud Pay Statement, March 20, 2017	UBER_RAZAK_0013 704-13709	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403, offer of proof requested. Incomplete.
113	Razak Trip Histories	UBER_RAZAK_0000 2072, 8305, 14423	Y	Y	
114	Sabani Trip Histories	UBER_RAZAK_0000 2071, 10799, 14387	Y	Y	
115	Cherdoud Trip Histories	UBER_RAZAK_0010 797, 14221	Y	N	Bates number 14221 is not Cherdoud's trip history. Instead, 14221 is the second page of Sabani's earning statement. No objection to Cherdoud trip history.
116	Uber Form S-1 Registration Statement, as filed with the SEC on Apr. 11, 2019	https://www.sec.gov/Archives/edgar/data/1543151/000119312519103850/d647752ds1.htm	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
117	Uber Form 10-K for FY 2019, filed with the SEC on March 2, 2020	https://www.sec.gov/ix?doc=/Archives/edgar/data/0001543151/000154315120000010/fy2019q410kfinancialst.htm	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
118	Uber Form 10-K for FY 2020, filed with the SEC on March 1, 2021	https://www.sec.gov/ix?doc=/Archives/edgar/data/0001543151/000154315121000014/uber-20201231.htm	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
119	Uber Form 10-K for FY 2021, filed with the SEC on Feb. 24, 2022	https://www.sec.gov/ix?doc=/Archives/edgar/data/0001543151/000154315122000008/uber-20211231.htm	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested

120	Uber Form 10-K for FY 2022, filed with the SEC on Feb. 21, 2023	https://www.sec.gov/ix?doc=/Archives/edgar/data/0001543151/000154315123000010/uber-20221231.htm	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
121	Documents Regarding Deactivation produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00023792-23799	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
122	Documents Regarding Deactivation produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00023859-23889	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
123	Documents Regarding Deactivation and Discipline produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00028788-28822	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
124	Documents Regarding Driver Account Waitlisting produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00028823-28837	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
125	Documents Regarding Driver	UBE-OCO00028838-28873	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403

	Deactivations produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)				
126	Documents Regarding Quality Assurance & Deactivations produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00028874-28907	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
127	Documents Regarding Driver Suspensions produced in O'Connor v. Uber Technologies, Inc., No. 3:13-cv-03826-EMC (N.D. Cal.)	UBE-OCO00028908-28921	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403
128	Accidents – Property Damage to Vehicle Involving Rider produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 6816-6822	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
129	Account Inactive Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7536-7600	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order

130	Background Check Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7411-7413	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
131	Begin and End Trip Instead of Cancel Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7162-7170	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
132	Not Getting Requests Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7255-7269	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
133	Potential Safety Concern Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7175-7182	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
134	Substance Abuse Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7215-7217	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
135	Verbal Altercation Knowledge Base Page	UBER_SAXTON_000 7252-7254	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order

	produced in Saxton, et al. v. Uber Technologies, Inc.				
136	Document Status Check Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7109-7116	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
137	Earnings Amount Review Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7289-7292	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
138	Fare Review Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7109-7116	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
139	Feedback About Rider Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7097-7108	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
140	Multiple Destinations Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 6958-6962	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order

141	Cleaning Fee Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7190-7202	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
142	Long ETA or Pickup Longer Than Trip Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7308-7320	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
143	Missing From Trip History Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7507-7535	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
144	Standards & Service Questions – Animals in Vehicle Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7342-7353	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
145	Upcharge Request Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7423-7447	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order

146	Driver Cancellation Fee Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 6838-6847	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
147	Vehicle Solutions – Lender and Vehicle Issues Knowledge Base Page produced in Saxton, et al. v. Uber Technologies, Inc.	UBER_SAXTON_000 7372-7380	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; subject to protective order
148	Lowman v. Unemployment Comp. Board of Review, 235 A.3d 278 (Pa. 2020)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
149	People v. Uber Technologies, Inc., 56 Cal. App. 5th 266 (2020)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
150	Berwick v. Uber Technologies, Inc., Case No. 11-46739 EK (CA DLSE June 4, 2015)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
151	[CLAIMANT] v. Uber Technologies, Inc., Case No. 5371509 (CA Unemployment Ins. Appeals Board June 6, 2015)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
152	Da Silva v. Uber Technologies, Inc., JAMS Ref No. 1100112429		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested

	(Arb. Rebecca Westerfield July 25, 2023)				
153	Matter of Lowry, 189 A.D.3d 1863 (N.Y. Sup. Ct. App. Div. 2020)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
154	In the Matter of: [CLAIMANT] and Uber Technologies, Inc., ALJ Case No. 016-23858 (N.Y. Unemployment Insurance Appeal Board, Administrative Law Judge Section June 9, 2017)		Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
155	In Re: The Employment Status of Uber Drivers, Advisory Opinion of the Commissioner of the Bureau of Labor and Industries of the State of Oregon (Oct. 14, 2015)	https://www.oregon.gov/boli/about/Documents/uber%20advisory%202015.pdf	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
156	Uber BV v. Aslam [2021] UKSC 5	https://www.supremecourt.uk/cases/docs/uksc-2019-0029-judgment.pdf	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
157	Ruling by the Labour Chamber of the Court of Cassation on 4 March 2020, Appeal no. S 19-13.316 (France)	https://www.courdecassation.fr/getattacheddoc/5fca56cd0a790c1ec36ddc07/1daee98447aad7f497cd80e4c1e75dc	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested

158	Asociación Profesional Élite Taxi v. Uber Systems Spain SL, C-434/15 (European Court of Justice Dec. 20, 2017)	https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62015CJ0434	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401-403; offer of proof requested
159	Uber Fined \$649 Million for Saying Drivers Aren't Employees, Matthew Haag and Patrick McGeehan, NEW YORK TIMES (Nov. 14, 2019), https://www.nytimes.com/2019/11/14/nyregion/uber-new-jersey-drivers.html	https://www.nytimes.com/2019/11/14/nyregion/uber-new-jersey-drivers.html	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401, 403, 802; offer of proof requested
160	State of Alaska Press Release, Uber Agrees to Stop Worker Misclassification in Alaska, September 3, 2015	https://labor.alaska.gov/news/2015/news15-38.pdf	Y	N	Scope (outside of parties' stipulation at ECF No. 148), FRE 401, 403, 802; offer of proof requested

VII. ESTIMATE OF NUMBER OF DAYS FOR TRIAL.

Defendants estimate that the trial will last five days and they will need approximately two days for the presentation of their case.

VIII. SPECIAL COMMENTS REGARDING LEGAL ISSUES, STIPULATIONS, AMENDMENT OF PLEADINGS, OR OTHER APPROPRIATE MATTERS.

A. Legal Issue Regarding State Law Claims

The parties have fully briefed Plaintiffs' request for separate jury instructions with respect to their federal and state law claims. (*See* ECF Nos. 151, 157, 159). As outlined therein, Plaintiffs' requested relief is not appropriate. Instead, as fully briefed before the Court, the jury instructions

regarding the FLSA, PMWA, and WPCL should be the same and aligned with the FLSA “economic realities” test.

B. Scope of Trial

Plaintiffs utilized Uber’s ride-sharing mobile phone application to provide “UberBLACK” transportation services. This trial is limited to the threshold liability question of whether the three individual Plaintiffs were Defendants’ employees under the FLSA, PMWA, and/or WPCL prior to January 11, 2018. (ECF No. 148 at ¶ 1). Accordingly, Plaintiffs should be precluded from introducing any evidence, testimony, or argument concerning information outside the limited scope stipulated to by the parties, including, *inter alia*, different geographic locations or markets (*i.e.*, outside of Philadelphia, Pennsylvania), Uber products (*i.e.*, other than UberBLACK), time periods (*e.g.*, after January 11, 2018), or other individuals utilizing Uber’s ride-sharing mobile phone application to provide UberBLACK transportation services, or Plaintiffs’ alleged damages. *See* Defendants’ forthcoming Motion *In Limine* Regarding Scope of the Case.

C. Proposed Stipulation

Many facts relevant to the threshold liability question have already been established as undisputed during the summary judgment proceedings. *See* Defendants’ SOF, ECF 66-3 & ECF 114-3; Plaintiffs’ Response to Defendants’ SOF, ECF 80 & ECF 117-3. Accordingly, Defendants proposed that the parties enter a stipulation of facts that are not in dispute that could be presented to the jury as having been established. In all substantive respects, Defendants’ proposed stipulation of facts was taken directly from the parties’ prior submissions confirming that the included facts are undisputed. Defendants: (a) requested that Plaintiffs agree to submit these facts to the jury as undisputed; (b) invited Plaintiffs to propose modifications; and (c) invited Plaintiffs to propose any additional facts for inclusion. Defendants anticipate that stipulating to these facts would enable

the parties to cut back significantly on their proposed presentation of evidence, including witness testimony and trial exhibits. Unfortunately, Plaintiffs refused to collaborate with Defendants in the preparation of this stipulation.

First, Plaintiffs' counsel wrote: "We're not going to agree to this stipulation. Regardless of whether facts were disputed or not for summary judgment purposes does not affect whether we would stipulate to them for trial." In response, Defendants' counsel pointed out that Plaintiffs did not admit to these facts solely "for summary judgment" purposes – they admitted to these facts unconditionally. *See* Plaintiffs' Response to Defendants' SOF, ECF 80 & ECF117-3. In any event, Section D(2) of the Court's Pretrial and Trial Procedures – Civil Cases for dispositive motions required the non-moving party (in this case, Plaintiffs) to admit whether the stated facts were disputed or not disputed (with no option for admitting that their statements were not disputed only for purposes of summary judgment).

Second, Plaintiffs' counsel wrote: "I've never agreed to such a lengthy stipulation for trial. If you want to try drafting something much more brief that both sides may agree to, we will consider that." In response, Defendants' counsel pointed out that the length of the stipulation is not relevant. The fact that there happen to be a lot of undisputed facts in this case should not make any difference. Defendants' counsel proposed that Plaintiffs' counsel identify which facts listed in the draft stipulation would be acceptable to include in a "more brief" stipulation.

Third, Plaintiffs' counsel complained that Defendants were "paraphrasing pleadings" and that the proposed stipulation did not include stipulated facts regarding Uber. In response, Defendants' counsel pointed out that: (a) the proposed stipulation is not "paraphrasing" pleadings (rather, it is reciting the parties' prior agreement that certain facts were undisputed); and (b) the proposed stipulation does include undisputed facts about Uber (in fact, proposed facts 76 – 114

were about Uber); and (c) Defendants had invited Plaintiffs to propose modifications to the statement as well as to include additional undisputed facts (thereby providing Plaintiffs the opportunity to add other facts about Uber).

In short, Defendants have attempted to streamline the presentation of evidence at trial by stipulating to facts that have already been established as undisputed. Unfortunately, Plaintiffs have been unwilling to collaborate in such efforts. Plaintiffs should be precluded from offering evidence at trial that contradicts their prior judicial admissions, and the Court should instruct the jury that these facts have been established as true for purposes of the trial. *See* Defendants' forthcoming Motion *In Limine* Regarding Admitted Facts.

D. Offer of Proof

Pursuant to Section H(5) of the Court's Pretrial and Trial Procedures - Civil Cases, if any party desires an "offer of proof" as to any witness or exhibit expected to be offered, that party shall inquire of opposing counsel prior to trial for such information. On January 22, 2024, Defendants requested an offer of proof as to the following witnesses identified in Plaintiffs' pretrial memorandum and witness list:

- Tara Murray
- Uber Keeper of Records
- Drew Holland
- Dimitry Cohen
- CJ Stavrakos
- Martin Rufo
- Other UberBLACK drivers who worked in the Philadelphia market between 2013 and 2018 and who were deactivated or suspended

On January 22, Defendants also requested an offer of proof as to the following exhibits identified in Plaintiffs' exhibit list:

- 44 (Gegen and Rasier Comments to the Pennsylvania Public Utilities Commission, September 26, 2016)

- 45 (Notice of Gegen Application as Limousine Service to Philadelphia Parking Authority, December 29, 2012)
- 46 (Letter from Philadelphia Parking Authority to Gegen Awarding Certificate of Public Convenience)
- 99 (Remarks from Uber's Press Call (March 17, 2017))
- 100-112 (Pay Statements)
- 116 (Uber Form S-1 Registration Statement, as filed with the SEC on Apr. 11, 2019)
- 117 (Uber Form 10-K for FY 2019, filed with the SEC on March 2, 2020)
- 118 (Uber Form 10-K for FY 2020, filed with the SEC on March 1, 2021)
- 119 (Uber Form 10-K for FY 2021, filed with the SEC on Feb. 24, 2022)
- 120 (Uber Form 10-K for FY 2022, filed with the SEC on Feb. 21, 2023)
- 148 (Lowman v. Unemployment Comp. Board of Review, 235 A.3d 278 (Pa. 2020))
- 149 (People v. Uber Technologies, Inc., 56 Cal. App. 5th 266 (2020))
- 150 (Berwick v. Uber Technologies, Inc., Case No. 11-46739 EK (CA DLSE June 4, 2015))
- 151 ([CLAIMANT] v. Uber Technologies, Inc., Case No. 5371509 (CA Unemployment Ins. Appeals Board June 6, 2015))
- 152 (Da Silva v. Uber Technologies, Inc., JAMS Ref No. 1100112429 (Arb. Rebecca Westerfield July 25, 2023))
- 153 (Matter of Lowry, 189 A.D.3d 1863 (N.Y. Sup. Ct. Div. 2020))
- 154 (In the Matter of: [CLAIMANT] and Uber Technologies, Inc., ALJ Case No. 016-23858 (N.Y. Unemployment Insurance Appeal Board, Administrative Law Judge Section June 9, 2017))
- 155 (In Re: The Employment Status of Uber Drivers, Advisory Opinion of the Commissioner of the Bureau of Labor and Industries of the State of Oregon (Oct. 14, 2015))
- 156 (Uber BV v. Aslam [2021] UKSC 5)
- 157 (Ruling by the Labour Chamber of the Court of Cassation on 4 March 2020, Appeal no. S 19-13.316 (France))
- 158 (Asociación Profesional Élite Taxi v. Uber Systems Spain SL, C-434/15 (European Court of Justice Dec. 20, 2017))
- 159 (Uber Fined \$649 Million for Saying Drivers Aren't Employees, Matthew Haag and Patrick McGeehan, NEW YORK TIMES (Nov. 14, 2019))
- 160 (State of Alaska Press Release, Uber Agrees to Stop Worker Misclassification in Alaska, September 3, 2015)

To date, Plaintiffs have not provided the requested offer of proof as to these witnesses and exhibits.

Dated: January 30, 2024

Respectfully submitted,

/s/Robert W. Pritchard

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January 2024, Defendants' Pretrial Memorandum was filed using the Eastern District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon all counsel and parties of record.

/s/Robert W. Pritchard